

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Romario Winslow,
Plaintiff
v.
James Dzurenda, et al.,
Defendants

2:17-cv-02374-JAD-PAL
Order Dismissing Case

On September 26, 2017, Magistrate Judge Leen ordered pro se plaintiff Romario Winslow to file a completed application to proceed *in forma pauperis* or pay the \$400.00 filing fee within 30 days.¹ Judge Leen also informed Winslow that his failure to file a completed pauper application or pay the filing fee would result in dismissal of this action.² The 30-day deadline has now expired, and Winslow has not complied with or otherwise responded to Judge Leen’s order.

District courts have the inherent power to control their dockets, and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.³ A court may dismiss an action with prejudice based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.⁴ In determining whether to dismiss an action for lack of

¹ ECF No. 4 at 2.

² *Id.*

³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

⁴ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424

1 prosecution, failure to obey a court order, or failure to comply with local rules, the
2 court must consider several factors: (1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of
4 prejudice to the defendants; (4) the public policy favoring disposition of cases on
5 their merits; and (5) the availability of less drastic alternatives.⁵

6 I find that the first two factors weigh in favor of dismissal. The risk-of-
7 prejudice factor also weighs in favor of dismissal because a presumption of injury
8 arises from the occurrence of unreasonable delay in filing a pleading ordered by the
9 court or prosecuting an action.⁶ The fourth factor is greatly outweighed by the
10 factors in favor of dismissal. Finally, a court's warning to a party that his failure to
11 obey the court's order will result in dismissal satisfies the "consideration of
12 alternatives" requirement,⁷ and Judge Leen warned Winslow that dismissal would
13 result from his noncompliance.⁸

14 Accordingly, IT IS HEREBY ORDERED that this action is **DISMISSED**
15 without prejudice based on Winslow's failure to file an application to proceed *in*
16 *forma pauperis* or pay the \$400 filing fee in compliance with Judge Leen's
17 September 26, 2017, order.

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21 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local
22 rules).

23 ⁵ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at
24 130; *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

25 ⁶ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

26 ⁷ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at
27 1424.

28 ⁸ ECF No. 4 at 2.

The Clerk of Court is directed to enter judgment accordingly and CLOSE THIS CASE.

DATED: November 3, 2017.


Jennifer A. Dorsey
United States District Judge